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Application GRANTED. The parties shall file the proposed case management plan by the earlier date of July 9, 2021, or fourteen days after a decision on Defendant Cengage Learning, Inc.'s objection (ECF No. 97) to the Report & Recommendation (ECF No. 94).

The Clerk of Court is respectfully directed to close ECF No. 96.

SO-ORDERED 5/7/2021

May 6, 2021

VIA ECF

Hon. Sarah L. Cave  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

  
SARAH L. CAVE  
United States Magistrate Judge

**Re: Bernstein et al v. Cengage Learning, Inc., Case No. 1:19-cv-07541-ALC-SLC**

Dear Magistrate Judge Cave:

Defendant Cengage Learning, Inc. submits this letter motion to respectfully request, with the consent of Plaintiffs, the adjournment of a deadline set in the Court's Interim Scheduling Order (Dkt. 71) (the "Order"). In particular, the Order provides that, "[w]ithin fourteen (14) days of the undersigned's decision on the Motion for Leave to File a First Amended Complaint," the parties shall "submit a proposed Case Management Plan and Scheduling Order." Order at ¶ 5. Your Honor issued the decision contemplated by that Order on April 22, 2021 in the form of a Report and Recommendation to Judge Carter (the "R&R," see Dkt. 95), which would set the deadline for the submission of a proposed case management plan as May 6, 2021.

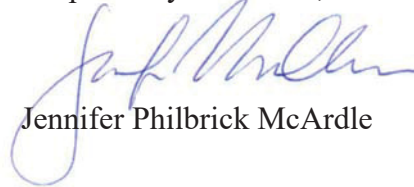
Cengage intends to file an objection with respect to that R&R. Although Plaintiffs do not intend to file any objection to the R&R, the parties have agreed to request an adjournment of the deadline for a case management plan and scheduling order until the earlier of fourteen (14) days after a decision with respect to the R&R by Judge Carter, or July 9, 2021. In the event Judge Carter has not issued such a decision by July 9, 2021, both parties reserve all rights and arguments with respect to whether a case management plan and scheduling order is appropriate as of that date. The parties have agreed to this proposed adjournment in an effort to avoid a dispute while Judge Carter reviews Cengage's objection.

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No previous requests for an adjournment of this deadline have been made.

Respectfully submitted,



Jennifer Philbrick McArdle

cc: All attorneys of record, via ECF